



# City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2205221

**Applicant Name:** Eileen Cooper

**Address of Proposal:** 4402 Francis Avenue North

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into three (3) lots (unit subdivision). Proposed lot sizes are: A) 1,721.7 square feet; B) 1,000 square feet; C) 1,304.2 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Related project: demolish existing single-family residence, establish use a three unit townhouse, construct townhouse with attached garages and occupy per plan, all under MUP No. 2203871 and Permit No. 733355.

The following approval is required:

**Short Subdivision** - to subdivide one existing parcel into three lots as a unit subdivision. (Chapter 23.24, Seattle Municipal Code).

**SEPA DETERMINATION:**      ☒ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or  
   involving another agency with jurisdiction.

## **BACKGROUND DATA**

### **Site & Area Description**

The 4,025.9 square foot property is located on the southwest corner of the block at the corner of Francis Avenue North and North 44<sup>th</sup> Street, in the Fremont area of Seattle. Access to the site is via North 44<sup>th</sup> Street, which is paved and improved with concrete curbs and planter strips on both sides of the street. There is no platted alley adjacent to the property to provide access. An existing single-family residence was demolished, and construction of a 3-unit townhouse is nearly complete. The parcel is not located in any identified or designated Environmentally Critical Area.

The subject property and surrounding lots are zoned Multi-family Lowrise 1 (L-1). Development in the area consists of one and two-story single-family houses and small multi-family structures, consistent with the zoning.

### **Proposal Description**

The proposal is to subdivide one parcel into three unit subdivision lots with vehicle access provided from Francis Avenue North, for proposed lot A, and from North 44<sup>th</sup> Street for proposed lots B and C. The existing single-family residence will be demolished. One triplex townhouse will be constructed, which shall transverse the three proposed lots. Each unit will have parking provided with the townhouse. Proposed lot A will have direct pedestrian access to Francis Avenue North, while lots B and C will directly access North 44<sup>th</sup> Street. Proposed lot sizes are as indicated in the summary above.

Note that the construction of the proposed the triplex townhouse has been reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate permit (MUP No. 2203871 and Permit No. 733355 issued February 14, 2003). The subject of this analysis and decision is only the proposed division of land.

### **Public Comments**

The comment period for this proposal ended on September 11, 2002. During the public comment period, DCLU received one (1) written comment related to negative impacts to the character of the neighborhood.

## **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas.*
6. *Is designed to maximize the retention of existing trees.*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned for multi-family residential use. The allowable density of the subject property is one unit per 1,600 sq.ft. of lot area. Given a lot area of approximately 4,025.9 square feet, three (3) units are allowed and three (3) are proposed. Maximum lot coverage is 50%. Front setbacks are an average of the neighboring adjacent lots, the maximum setback is fifteen (15) feet and the minimum is five (5) feet. The minimum side yard setback is five (5) feet; the actual required setback is based on the height of the structure adjacent to the side property line. Rear yard setback is twenty (20) feet or twenty (20) percent of the lot depth, in no case less than fifteen (15) feet. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.
2. The lots are provided vehicular access via the adjacent streets, N. 44<sup>th</sup> Street and Francis Ave. N. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement to provide for electrical facilities and service to the proposed lots in addition to the utility easement identified on the proposed short plat, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.
3. This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on August 23, 2002. The single family house

was connected by means of a twinned sidesewer, also serving the property to the east addressed as 462 North 44<sup>th</sup> Street to an 8-inch public sanitary sewer (PS) located in Francis Avenue North. An easement “along the line as constructed” for the portion of the twinned sidesewer crossing the property to be redeveloped should be included as part of the legal description. There is a 12-inch public storm drain (PSD) located on the south side of North 44<sup>th</sup> Street. This PSD discharges to a Designated Receiving Water.

New construction with discharge to the sanitary sewer will require a sidesewer permit. Stormwater detention, with controlled release to the PSD, is likely to be required for construction in excess of 2,000 square feet of developmental coverage. Plan review requirements regarding stormwater were made at time of building permit application. If the project includes greater than 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan prepared in accordance with SMC 22.802.015D and 22.802.020 may be required.

4. One objective of the subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. An equally important objective is to ensure that new development complies with all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for owner occupied housing will be provided within the City limits while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. Therefore, the public use and interests are served by permitting the proposed subdivision of land.
5. This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
6. There are three trees located along the north property line of the subject site. These trees may be preserved, depending upon the location of the root systems and the overall health of the trees. Thus the proposal has been designed to maximize the retention of existing trees. The construction permit was subject to the provisions of SMC 23.45.015.C which provides that existing tree(s) must be preserved or new tree(s) must be planted.
7. The applicant proposes the construction of one triplex townhouse on the subject site. Pursuant to SMC 23.24.045(B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to*

*applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Policies and Code Provisions has been reviewed under Master Use Permit Number 2203871 and Permit No. 733355. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity of proposed Lots A, B and C are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas and driveway and pedestrian access if necessary. Therefore, the proposed short subdivision conforms with the provisions of Section 23.24.045 for Unit Lot Subdivisions.

### **SUMMARY - SHORT SUBDIVISION**

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the Lowrise 1 zone, including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does will meet all standards as set forth in the Land Use Code, and is consistent with applicable Multi Family policy guidelines. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

### **CONDITIONS - SHORT SUBDIVISION**

#### **Conditions of Approval Prior to Recording**

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements; fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.

3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final Short Subdivision.
4. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements, if necessary.
6. Provide a sanitary sewer easement "along-the-line-as-constructed" for that portion of the twinned sidesewer from the property addressed at 462 North 44<sup>th</sup> Street and update the legal descriptions accordingly to include the utility easement with the right of access for maintenance; or relocated the sewer service such that no easement is necessary.

Signature: (signature on file) Date: September 25, 2003

David Graves, AICP, Contract Planner

Department of Design, Construction and Land Use

Land Use Division

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